



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

MAY 16 2019

Nora Rasure
Regional Forester - Intermountain Region
U.S. Forest Service
324 25th Street
Ogden, UT 84401

Dear Ms. Rasure:


The purpose of this letter is to provide notice under Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §122(j), to the United States Forest Service (USFS), a federal natural resource trustee, that the U.S. Environmental Protection Agency (EPA) intends to initiate negotiations with the Potentially Responsible Parties (PRPs) for the Ballard Mine Superfund Site (Site) to implement the selected remedy. As you may know, EPA completed a remedial investigation/feasibility study (RI/FS) at the Site and expects to issue a Record of Decision (ROD) in May 2019 documenting the selection of a remedy for the Site. EPA expects to initiate special notice procedures under CERCLA Section 122(e) in order to commence negotiations with the PRPs this spring. Negotiations, if successful, will result in a consent decree for remedial design and remedial action, which will be filed in federal district court by the U.S. Department of Justice.

EPA is required to notify the federal natural resource trustees when a release or threatened release of any hazardous substance is the subject of negotiations under CERCLA Section 122 and may have resulted in damages to natural resources. The USFS acts as trustee for natural resources as set forth in 40 C.F.R. § 300.600.

If you have determined that the Secretary of Agriculture is prepared to resolve any natural resource damage claims on behalf of the USFS, within the time frame for EPA's consent decree negotiations addressing remedial design and remedial action at the Site, please notify EPA by May 31, 2019. Please be aware that if the natural resource trustees do not participate, the United States will reserve in the consent decree all rights against the Settling Defendants with respect to liability for injury to, destruction of, or loss of natural resources, and for the costs of any natural resource damage assessments.

Please have the appropriate staff contact Dave Tomten, Remedial Project Manager, at (208) 378-5763, or Nick Vidargas, Assistant Regional Counsel, at (206) 553-1460. Thank you for your attention to this matter.

Sincerely,


for Sheryl Bilbrey
Director

cc: Babak Rastgoufard, Office of General Counsel, U.S. Department of Agriculture
Regional Director of Engineering, USFS
Sherri Stumbo, USFS